

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff/Respondent,

v.

ORDER

Crim. No. 08-232(08)

Jerry Martese Dubose
a/k/a Ray,

Defendant/Petitioner.

Petitioner, on his own behalf.

This matter is before the Court upon Petitioner's Motion for Reconsideration of this Court's Order denying his Petition to Vacate, Set Aside or Correct his Sentence pursuant to 28 U.S.C. § 2255.

The Local Rules for the District of Minnesota provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(g). Accordingly, the Court will treat the current motion as a request to file a motion for reconsideration.

In determining whether the Petitioner has made a showing of compelling

circumstances, the Court keeps in mind that motions for reconsideration serve a limited purpose:

to correct manifest errors of law or fact or to present newly discovered evidence. Such motions cannot in any case be employed as a vehicle to introduce new evidence that could have been adduced during pendency of the summary judgment motion. The nonmovant has an affirmative duty to come forward to meet a properly supported motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Hagerman v. Yukon Energy Corp., 839 F.2d 407, 414 (8th Cir. 1988) (citation omitted).

Petitioner does not offer newly discovered evidence in support of this request, and he has not identified any manifest errors of law in this Court's Order dated April 3, 2013. Accordingly,

IT IS HEREBY ORDERED that Petitioner's request to file a motion for reconsideration [Doc. No. 644] is DENIED.

Date: July 31, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court